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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

CIVIL ACTION NUMBER:

**IN RE: VALSARTAN PRODUCTS
LIABILITY LITIGATION**

19-md-02875-RBK-KMW

**CASE MANAGEMENT CONFERENCE
via TELEPHONE**

Mitchell H. Cohen Building & U.S. Courthouse
4th & Cooper Streets
Camden, New Jersey 08101
March 30, 2022
Commencing at 10:01 a.m.

B E F O R E:

**THE HONORABLE ROBERT B. KUGLER,
UNITED STATES DISTRICT JUDGE
SPECIAL MASTER THE HONORABLE
THOMAS I. VANASKIE (RET.)**

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Proceedings recorded by mechanical stenography; transcript
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17 **ALSO PRESENT:**

18 LORETTA SMITH, ESQUIRE
19 Judicial Law Clerk to The Honorable Robert B. Kugler
20 Larry MacStravic, Courtroom Deputy

21

22

23

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1 (PROCEEDINGS held telephonically before The Honorable
2 ROBERT B. KUGLER and Special Master the Honorable THOMAS I.
3 VANASKIE (RET.) at 10:01 a.m.)

4 SPECIAL MASTER VANASKIE: Why don't we get started
5 with our conference call. We have Ann Marie as our court
6 reporter today. This should not take a whole lot of time.

7 I'll proceed in the order of the defense agenda
8 letter that was submitted yesterday and go from there, and
9 then we'll get Judge Kugler on the line. I understand Judge
10 Kugler is back from Florida now.

11 All right. Who will be addressing these matters for
12 the defense?

13 MS. PRISELAC: Your Honor, this is Jessica Priselac
14 from Duane Morris.

15 As you probably read in our letter, going forward,
16 the ZHP parties and the defense executive committee will be
17 represented by Jessica Miller of the Skadden firm; but for
18 today's topics, the majority of them are going to be handled
19 by other members of the joint defense group, and I believe
20 this first topic will be handled by our colleagues at the
21 Pietragallo firm.

22 SPECIAL MASTER VANASKIE: Okay. Thanks, Jessica.
23 And I was aware of the letter from Mr. Goldberg.

24 And in terms of the appointment of Jessica Miller to
25 the executive committee and to serve as liaison counsel, that

1 will be a matter, obviously, for Judge Kugler.

2 So Mr. Trischler, will you be addressing this first
3 issue, that is, the request for production of valsartan
4 testing documents from Ron Najafi?

5 MR. TRISCHLER: Yes. Good morning, Your Honor. I
6 will -- this is Clem Trischler. I can address that issue on
7 behalf of the defendants.

8 SPECIAL MASTER VANASKIE: All right. And who will be
9 addressing this matter for the plaintiffs?

10 MR. SLATER: Good morning, Your Honor. Adam Slater.

11 SPECIAL MASTER VANASKIE: All right, Mr. Slater.

12 So let's hear from Mr. Trischler. I know there's
13 nothing for me to decide right now, but you put it on the
14 agenda letter and gave me -- submitted to the Court a number
15 of exhibits in connection with this matter.

16 So what did you want to -- what more did you want to
17 say on this matter today, Mr. Trischler?

18 MR. TRISCHLER: Your Honor, you know, I think that
19 essentially what we need is a briefing schedule on the issue.
20 I know that there's been -- plaintiffs have suggested that,
21 you know, there's a willingness to continue to meet and
22 confer, and we're happy to do so. But I think the issue is an
23 important one, and I suspect from everything I've seen and
24 read, it's an issue that the Court is going to have to decide,
25 which is why -- and the thought was we should put it on the

1 agenda now and bring it to the Court's attention.

2 And if I could just take a minute, Ron Najafi is --

3 SPECIAL MASTER VANASKIE: Yes.

4 MR. TRISCHLER: Thank you. Ron Najafi is a class
5 expert that the plaintiff has identified to offer the opinion
6 that any generic product containing NDEA or NDMA at levels --
7 at any level is not equivalent to the branded products of
8 Novartis and that the mere presence of these impurities at any
9 level renders a drug misbranded and adulterated. And as you
10 undoubtedly noted in our submissions, Mr. Najafi testified in
11 his deposition that his lab has conducted testing of
12 valsartan-containing medications, both independently and also
13 apparently did some testing to validate third-party testing
14 done by an outfit called Valisure.

15 We want the results of that testing and the data
16 underlying that testing. We believe it will undermine his
17 core opinion in this case, that equivalence requires a generic
18 and branded product to have matching impurity profiles. There
19 is no such requirement that exists, but Najafi suggests it
20 does. And the testing from Valisure, as we demonstrated in
21 his deposition, shows that Novartis's product contains NDEA in
22 it. It was tested and shown to contain NDEA in it. And if
23 this expert, who is saying that any product that has any level
24 of this nitrosamine impurity is misbranded and adulterated and
25 is not equivalent to the brand, the fact that the brand

1 product has it undermines his sworn testimony. I think the
2 information is plainly relevant.

3 If there is -- if we can resolve it through meet and
4 confer, I'm happy to, but we haven't been able to do so in the
5 30 plus days since Mr. Najafi's deposition. And so if we
6 can't do it, I'd just like -- you know, my thought is perhaps
7 we can just set up a briefing schedule now. And if we can
8 resolve it before briefs are due, we'll notify the Court. But
9 if not, perhaps we can set a briefing schedule so we can get a
10 resolution, because I think what testing this man has done or
11 is aware of on nitrosamine levels in valsartan-containing
12 medications of the brand product, of the defendant's product,
13 of other generic products, it's all directly relevant to the
14 Rule 23 issues that the Court is going to have to decide.

15 SPECIAL MASTER VANASKIE: All right. Mr. Slater?

16 MR. SLATER: Hello, Judge.

17 The first thing I want to say is I find it
18 interesting that the defense puts an issue into the agenda
19 letter that they say there's no issue to be decided and is now
20 arguing as if there's an issue to be decided. I thought that
21 wasn't how we operate around here. That's number one.

22 Number two, the agenda letter didn't ask for a
23 briefing schedule by the defense. The defense said they got
24 our response, which I can assure you disposes of the issue,
25 and they said they wanted to meet and confer further. So now

1 Mr. Trischler wants a briefing schedule.

2 We certainly agree that if they're going to put this
3 issue before the Court, it will require a briefing schedule,
4 because we're going to want to fully brief it, because much of
5 what Mr. Trischler is saying is just not accurate.

6 For example, I think to balance a little bit of what
7 you heard, what they're going for is they think that they've
8 suddenly found the Holy Grail of defense in this case and have
9 proven that Diovan, the brand name product, had NDMA and DMF
10 in it, by the way, because Valisure's petition was focused
11 mostly on DMF. And I know Your Honor is well aware of this
12 because you've lived this now with us long enough.

13 When ZHP changed the manufacturing process to
14 substitute DMF for triethylamine, which had substituted for
15 tributyltin, meaning they went from the branded manufacturing
16 process to another process and ultimately to the zinc chloride
17 process, the zinc chloride process introduced DMF, which then
18 led to NDMA being produced as a byproduct of the chemical
19 reactions.

20 So they somehow think they're going to prove that
21 Diovan had not only NDMA in it but also DMF, because the
22 Valisure citizen's petition filed in June 2019 was focused on
23 DMF and then NDMA. So as a matter of chemistry, it's
24 impossible for Diovan made by the brand name manufacturing
25 process to contain DMF and NDMA. It's chemically impossible.

1 The only way you could ever find that in Diovan would be if
2 somebody got it onto the testing -- got those byproducts onto
3 the testing apparatus as a contaminant, I suppose, or somebody
4 dumped it in at some -- under some weird circumstances.

5 That's number one.

6 Number two, Valisure, which the plaintiffs have no
7 affiliation with, didn't list Diovan as being tested. They
8 listed Novartis valsartan. Valsartan is the generic version
9 made by a different manufacturing process most likely. And
10 certainly we know that the Novartis valsartan in Europe --
11 which maybe they got those samples. It sounds fairly likely.
12 We know that that product was susceptible to have DMF and NDMA
13 in it, because the reason we all are here today and the reason
14 we know about all this is because when Novartis was buying API
15 from ZHP, which they did for years, they did what ZHP failed
16 to do, and they actually evaluated the product, looked at the
17 unknown peaks that were showing up after the toluene peak, and
18 they actually went forward and actually had a lab test with
19 available technology and said, hey, there's NDMA in your
20 product.

21 And after some pushback from ZHP, which we all know
22 wasn't surprised by this or couldn't be since they had known
23 for about a year already that there was NDMA in their
24 valsartan going back to at least July 2017, as the Court
25 knows, but they pretended not to know and pretended this was a

1 big surprise and tried to get Novartis off this as they had
2 done with some other companies for the last year or two. And
3 when Novartis pushed back and said, no, you need to do
4 something about this, that's when it came out.

5 So remember all that history. So Novartis was buying
6 contaminated API from ZHP, and that was their European arm.

7 So you put all this together, Valisure never said
8 that they tested Diovan. Dr. Najafi testified he never tested
9 Diovan. And what we have demonstrated to the defense, or
10 represented, apparently our word isn't good enough, is that
11 Dr. Najafi went back on this confidential testing he did to
12 see if any of the results -- he had a number of samples that
13 were blinded to him. And he looked at the results he had
14 gotten for DMF and NDMA, and none of them matched the Novartis
15 valsartan. None of them matched. So not only is it not
16 Diovan, but what he tested, his results didn't match the
17 samples that Valisure actually put in their petition.

18 That's a snapshot just to answer some of what -- some
19 of the comments that Mr. Trischler made, which just simply
20 were not accurate. And all of this today is just -- is put in
21 front of the Court, unfortunately, I think just to create some
22 sort of an impression. Because if there's no issue -- we
23 asked the defense multiple times yesterday, we've given you
24 our information. If you want to talk more, let's talk, but
25 don't put this in front of the Court when you're not asking

1 for relief to just try to make it look bad or something. But
2 they wanted to do this.

3 So we're not happy with the fact this was presented.
4 I wanted to give Your Honor a little bit of balance to what
5 you heard from Mr. Trischler.

6 If they're going to actually push this after they
7 meet and confer, as they represented they were going to, we're
8 hoping we can convince them not to do that and not waste the
9 Court's time with yet another briefed issue. But if so, we
10 definitely want the opportunity to see their brief and respond
11 to it and provide to the Court the full story.

12 Thank you, Your Honor.

13 SPECIAL MASTER VANASKIE: Thank you, Mr. Slater.

14 Brief response, Mr. Trischler?

15 MR. TRISCHLER: Sure, Your Honor. Thank you.

16 When I listened to Mr. Slater's comments, I was
17 harkened back to -- I think it was President Reagan who was
18 trying to negotiate a disarmament deal with the then Soviet
19 Union. And I think, you know, he was talking about how do we
20 go about doing that. And he said, trust but verify.

21 And the plaintiffs' position on this issue is we're
22 supposed to trust them, Judge, but they leave out the
23 verification part, which is what discovery is all about. We
24 get to trust but verify. So Mr. Slater is continuing to
25 represent and has represented, and you heard him here this

1 morning, that despite the sworn testimony from the witness,
2 who on page 141 and 142, I'm looking at his transcript now,
3 says that he tested -- independently tested and verified the
4 Valisure results which showed testing of Novartis product,
5 despite all that, they never tested Diovan. We should trust
6 that.

7 Well, in discovery, though, Judge, we get to verify
8 that. And trust but verify. And that's what we're asking to
9 do. That's what the rules provide. I think we're entitled to
10 it. Again, we're happy to meet and confer. I'm sorry
11 Mr. Slater is unhappy that we brought an issue, a discovery
12 issue, to the Court's attention, but I think that's been a
13 practice throughout this proceeding, and that's what the
14 agenda statement and these meetings are for, to let the Court
15 be aware of issues on the horizon.

16 I'm not happy that we haven't gotten the documents
17 yet after 30 plus days after the deposition, but that's why
18 we're bringing the issue to the Court's attention, to raise
19 it.

20 If this man tested valsartan, whatever valsartan he
21 tested, it's relevant. If it shows variation across various
22 manufacturers, that's relevant to the predominance issues in
23 the Rule 23 hearing. This information is relevant on many
24 levels, and not to mention the fact that the witness's
25 testimony was inconsistent as to what testing he did on what

1 products. So we ought to be entitled to the documentation
2 that was asked for in the notice of deposition to find out
3 what he tested, when he tested, what was done, and what it all
4 means.

5 And so again, if we -- based on the arguments I've
6 heard today, I don't see a resolution at hand. We're willing
7 to try, but I think the prudent thing to do would be to set up
8 a briefing schedule. We can meet and confer before then to
9 see if we can resolve it. I hope we can, but I'm not
10 optimistic. But let's get it resolved, because I think it's
11 an important issue.

12 MR. SLATER: Your Honor, if I could briefly respond
13 for a moment, please.

14 SPECIAL MASTER VANASKIE: Certainly, Mr. Slater.

15 MR. SLATER: Sure. I appreciate Mr. Trischler's
16 harkening back to Ronald Reagan with his negotiations with the
17 Soviet Union. I'm sure it's a warm spot for all of us to
18 remember history a little bit.

19 I assume Mr. Trischler also wants to get discovery
20 from Health Canada, which tested brand name Diovan and found
21 there's no NDMA in it, because why should we believe Health
22 Canada or the FDA, which never recalled or made any comments
23 about Diovan having any issues. And the FDA I'm sure tested
24 all this too. So I'm sure he'll be requesting that from them.

25 The rest of what he said, I can just tell you, are

1 not fully accurate statements. They're bits and pieces of
2 accurate statements and bits and pieces of what the witness
3 didn't say. But we know that the witness got blinded samples,
4 so he'll never know specifically what he tested because he
5 wasn't told.

6 Now, if they don't believe us and Your Honor orders
7 it, we'll deal with it.

8 And I'll just say that the rest of the testimony on
9 Valisure was that since he wasn't named in the petition, he
10 doesn't think he actually did any testing on the sample that
11 Valisure actually put in its petition because the results
12 don't match up. So whatever he tested came up with different
13 numbers than what Valisure reported, which would mean they
14 were different samples.

15 Again, I'm just responding because Mr. Trischler is
16 just throwing things onto the record, and I don't want to
17 leave the impression that we don't have answers for every
18 single thing he has to say. I'm hoping that in the meet and
19 confer, which he's not been involved with at all; a few of his
20 partners have been involved in this. Maybe they will speak to
21 us and maybe they'll -- we'll find a solution. But another --
22 if we can't, I am sure that Your Honor will hear from us, and
23 we'll request a briefing schedule. Thank you.

24 SPECIAL MASTER VANASKIE: All right. Thank you. I
25 think the appropriate thing to do here is to set a briefing

1 schedule but first ask, within what time frame can you conduct
2 the meet and confer on this -- I'd like you to exhaust that
3 approach first before submitting briefs. Obviously, you would
4 too.

5 And the other related question is, well, how much
6 time do you need to submit your brief.

7 I take it, Mr. Trischler, you'll go first on this
8 issue. And how much time do you need to submit your brief?

9 MR. TRISCHLER: I would think we could present it in
10 ten days, two weeks, something like that, Your Honor, and then
11 commit to meet and conferring before that time period expires.

12 SPECIAL MASTER VANASKIE: All right. Let's give you
13 two weeks to submit your briefs. That gives you ample time to
14 conduct a meet and confer on this issue. Perhaps it will be
15 resolved, perhaps it won't. But two weeks from today takes us
16 to what, April 12th? April 13th. So April 13th would be the
17 deadline for a brief from the defendants on this testing
18 conducted by Mr. Najafi.

19 In the meantime, I direct that you meet and confer in
20 an effort to try to resolve this matter so that it is
21 unnecessary to get a resolution from the Court.

22 How much time would you like, Mr. Slater -- I know
23 it's a little difficult because you haven't seen a brief yet,
24 but how much time would you like to respond?

25 MR. SLATER: I would say I just -- because I don't --

1 I don't know what everybody's schedules are, as Your Honor
2 said, we don't know what the brief is going to show, I would
3 say ten days.

4 SPECIAL MASTER VANASKIE: All right. We'll give you
5 to the 25th of April.

6 MR. SLATER: Thank you.

7 SPECIAL MASTER VANASKIE: All right. And I'll
8 consider the matter ripe upon receipt of the defense brief and
9 then the plaintiffs' brief. And I'll keep an open mind with
10 respect to whether to schedule a conference call to hear
11 argument on it.

12 Is that acceptable to the defense?

13 MR. TRISCHLER: It is, Your Honor. Thank you.

14 SPECIAL MASTER VANASKIE: All right. And acceptable
15 to the plaintiff?

16 MR. SLATER: Absolutely. Thank you, Judge.

17 SPECIAL MASTER VANASKIE: All right. Thank you.

18 MS. PRISELAC: Your Honor, this is Jessica Priselac
19 for the ZHP parties, if I just may for one moment.

20 SPECIAL MASTER VANASKIE: Yes.

21 MS. PRISELAC: We have no intention of arguing the
22 merits of the case at this moment, but given that Mr. Slater
23 just made a very long statement about the ZHP parties and
24 their actions, I just want to make a note for the record that
25 obviously we believe several of the statements that Mr. Slater

1 made are not borne out by the record and are scientifically
2 inaccurate, but I am sure the defense group will clarify the
3 record in the briefing.

4 SPECIAL MASTER VANASKIE: Very well. Anything else
5 on that, Ms. Priselac?

6 MS. PRISELAC: Yes. Thank you, Your Honor, for that
7 chance to respond briefly.

8 SPECIAL MASTER VANASKIE: All right. Thank you very
9 much.

10 I think that the rest of the agenda are matters for
11 Judge Kugler. You have the motion for clarification of the
12 Order Number 1 on the Daubert motions. That's pending. And
13 the briefing deadlines on class certification, I think that
14 has to be addressed by Judge Kugler. As I mentioned, the
15 appointment of Jessica Miller of the Skadden firm to the
16 defense executive committee and as liaison counsel is a matter
17 for Judge Kugler. And then obviously, the matters dealing
18 with individual plaintiffs' claims is a matter for Judge
19 Kugler.

20 So is there anything else that either side would like
21 to bring to my attention now?

22 MR. SLATER: Nothing for plaintiffs, Your Honor.

23 MS. PRISELAC: Nothing for defendants, Your Honor.

24 SPECIAL MASTER VANASKIE: All right. Very well.
25 Thank you. I will drop off the call, contact Judge Kugler,

1 get him on the call, and we'll go from there.

2 Thank you all very much.

3 (Pause in proceedings.)

4 THE COURT: Good morning, it's Judge Kugler calling
5 in. How is everybody today?

6 RESPONSE: Good morning, Your Honor.

7 THE COURT: All right. Do we have we have a court
8 reporter? Camille, somebody?

9 COURT REPORTER: It's Ann Marie, Your Honor.

10 THE COURT: Ann Marie, how are you doing?

11 We have a number of things to go over, so let's
12 start.

13 First, and probably more importantly than anything
14 else, is the advice that Duane Morris and Mr. Goldberg, et
15 cetera, are withdrawing from the case. The Skadden firm will
16 be taking over for their clients as of tomorrow, I guess,
17 formally, and Ms. Jessica -- Ms. Miller seeks to be appointed
18 as defense liaison counsel in place of Mr. Goldberg and to be
19 appointed a member of the executive committee.

20 Ms. Miller, are you on the phone?

21 MS. MILLER: I am, Your Honor. Good morning.

22 THE COURT: Good morning. How are you?

23 MS. MILLER: I'm nervous, Your Honor.

24 THE COURT: Why?

25 MS. MILLER: I don't know what I'm getting into.

1 THE COURT: We're nice people. We really are.

2 MS. MILLER: Good.

3 THE COURT: What I want to do, Ms. Cohen's agenda
4 letter indicates that all defense counsel consent to your
5 appointment. And I assume that to be true. But I'm going to
6 leave it open for a few days just in case there is any
7 objection. I can't imagine there will be, but if there is, we
8 can deal with it.

9 So how about in about five days we'll do an order
10 appointing you formally as liaison counsel and a member of the
11 executive committee. Okay?

12 MS. MILLER: Thank you, Your Honor. I hope to do a
13 good job at it.

14 THE COURT: I'm sure you will. And I'm sorry
15 Mr. Goldberg is not on the line. Apparently -- he told me he
16 had some scheduling difficulties. And I wanted to thank him
17 for all the work he's done in this case. I know it's been a
18 heavy lift for him and everyone else, but I appreciate all
19 that he accomplished in this case.

20 All right. So there is this pending -- defendants'
21 pending motion for clarification regarding the experts Lagana
22 and Hecht about -- particularly about NDEA and their --
23 whether and to what extent they will be able to testify about
24 that. The plaintiff has responded that they will submit
25 something on or before April 4th on that.

1 May I suggest that the two sides just talk to each
2 other first? I mean, maybe you can work this out. Otherwise,
3 it's not that big a deal, folks. I mean, it's not something
4 that has to be decided immediately. I don't know why we can't
5 wait until trial to see if Lagana and Hecht actually testify
6 at trial before we have to further set forth the parameters of
7 what they're going to say. I mean, the plaintiffs may not
8 even use them as experts in the testimony and may not ask them
9 any questions about NDEA. But I think the two sides ought
10 talk about that issue, because there may be some basis to
11 resolve that. If not, then we'll get to it eventually.

12 All right. Because of the substitution of counsel,
13 you've asked for an extension of seven days for the opposition
14 to the class cert motions, and then of course the plaintiffs
15 want a period of time, additional time, then to respond. And
16 that's fine. That's granted. We'll get that teed up
17 eventually.

18 MS. PRISELAC: Thank you, Your Honor.

19 THE COURT: I think that leads us now to the pending
20 orders to show cause.

21 Who is going to speak for defendants on that?

22 MR. HARKINS: Good morning, Your Honor. This is
23 Steve Harkins with Greenberg Traurig for the Teva defendants
24 and the joint defense group.

25 THE COURT: Now, as I understand it, the Ernestine

1 Williams matter has been resolved, so we can dismiss that
2 order to show cause.

3 The Charlene Mills and Jimmie Thorn matters you're
4 trying to work out, and you asked that to be relisted next
5 month. Correct?

6 MR. HARKINS: Yes, Your Honor, that's correct.

7 THE COURT: So that leaves Martin Scott, Tracy
8 Whitfield and Deborah Harris.

9 Any updates on that, Mr. Harkins?

10 MR. HARKINS: We do have two updates. The Scott and
11 Whitfield cases can both be withdrawn. So the only case in
12 which defendants are requesting dismissal at this time is
13 Harris.

14 THE COURT: Anybody on the plaintiffs' side want to
15 speak on behalf of the Harris matter?

16 MR. WILLIAMSON: Your Honor, this is attorney George
17 Williamson on behalf of the plaintiffs. I know there was a
18 meet and confer, and so there possibly is an attorney on the
19 phone that can speak to that specific case.

20 THE COURT: Is there anybody who can speak to the
21 Deborah Harris case on the phone, who wants to speak to the
22 Deborah Harris case on the phone?

23 (No response.)

24 THE COURT: Apparently not. So the motion -- an
25 order to show cause will be entered. That will be dismissed.

1 Then you have -- you'd like to list nine for the
2 order to show cause returnable next month.

3 Any updates on those, starting with James Larsen?

4 MR. HARKINS: Your Honor, I have several updates.

5 Number 5, Jeffrey Williams, can be removed; and number 8, John
6 McDermott, can also be removed. And we will request orders to
7 show cause returnable at the next case management conference
8 in the other seven cases.

9 THE COURT: All right. So we have James Larsen;
10 estate of William Byrnes, B-Y-R-N-E-S. We have Deborah
11 Harris, estate of Donald Harris. We have Estate of Sloan,
12 S-L-O-A-N, Mitchell. We have Kelly, K-E-L-L-Y, Donaldson;
13 Eric Thompson; and Chadwick Wilson.

14 Does anybody on the plaintiffs' side want to speak in
15 regards to any of the remaining seven?

16 MR. FUES: Your Honor, this is Jeremiah Fues for --
17 representing plaintiffs James Larsen and Kelly Donaldson, so I
18 can speak to those ones.

19 THE COURT: Okay.

20 MR. FUES: Mr. Harkins was kind enough to send me an
21 email this morning. The bottom line is we weren't -- we
22 provided -- we received a deficiency notice back in December
23 for our plaintiff fact sheets and then provided amended
24 plaintiff fact sheets in February.

25 Apparently, and Mr. Harkins was kind enough to lay

1 this out in his email this morning, there was some additional
2 meet and confer and position statements that I did not receive
3 notice of. I've been trying to -- I scoured my email this
4 morning and last night, and I checked with my partners, they
5 haven't found any either. But apparently there are still a
6 couple of deficiencies that they've listed out here that
7 are -- still need correcting. And we're more than happy to,
8 you know, get that information and correct it.

9 So I don't think it's necessary for a show cause
10 order at this time. Specifically, I know for Kelly Donaldson
11 the deficiencies listed in the letter are the failure to
12 provide dates of taking valsartan, which we provided the
13 pharmacy records. And even as of this morning, there was a
14 little bit of an oversight, pardon, in putting the dates on
15 the form, but I did that this morning. And they'll get that
16 information in short order. And we also included some
17 approximate dates of treatment. So I think I might have to
18 talk to defense counsel if there's still an issue related to
19 the dates that we provided on that one.

20 But as far as the medical expenses for Larsen,
21 obviously we can get that stuff to them in short order. We
22 just weren't aware that there was still a deficiency related
23 to our amended PFSs. But that's our position.

24 THE COURT: Well, the good news is, it's four weeks
25 before anything is going to happen to the cases. So if you

1 get this all straightened out, then they will be removed at
2 the next status conference in four weeks and you don't have to
3 worry about it. So we'll list it as an order to show cause
4 but on the expectation that you will cure the deficiencies so
5 that when we speak in -- at the end of April, that will be
6 removed and withdrawn.

7 Okay. Orders to show cause will be entered in those
8 matters.

9 Mr. Harkins, there are now -- I think you listed 20
10 that you want to formally list for the next meeting.

11 Any updates on those?

12 MR. HARKINS: Just one update, Your Honor. Number 15
13 on the list, Annie Pace, did file a PFS this morning, so we
14 will remove that from the agenda for next month. And we would
15 ask just to relist the remaining cases on next month's agenda.

16 THE COURT: All right. The 19 remaining then, who
17 are Michael Keicher, K-E-I-C-H-E-R; Robert Sanford; Henry
18 Parker, Junior; Matt Jolissaint, J-O-L-I-S-S-A-I-N-T; Carl
19 Huston, H-U-S-T-O-N; Jeffrey Johnson; Ulysses Payne; Dexter
20 Turner; Nancy Mastbergen, M-A-S-T-B-E-R-G-E-N; Mario Sherber,
21 S-H-E-R-B-E-R; Robert Brown; Daniel Given, G-I-V-E-N; Dinah,
22 D-I-N-A-H, Brown; Betty Hall; Marion, M-A-R-I-O-N, Dennis;
23 Elie, E-L-I-E, Greene, G-R-E-E-N-E; Linda Palmer; Vincent
24 Anderson; and Kerry, K-E-R-R-Y, Jackson will be relisted for
25 another listing next meeting.

1 That's all that's on the agenda.

2 Do you want to raise any other issues at this time?

3 MR. SLATER: Hello, Your Honor, it's Adam Slater.

4 I just wanted to tell you, we obviously will try to
5 meet and confer with the defense on that clarification issue.

6 I just wanted to ask the Court, because our deadline
7 to respond to cross-move is on Monday. We just want to make
8 sure that that deadline can be extended while we're meeting
9 and conferring. We would hate to get whipsawed if we don't
10 work it out and we miss our deadline.

11 THE COURT: Yes. Just contact me next week, let me
12 know, send me a letter, docket it, as to where you are on that
13 issue. Okay?

14 MR. SLATER: Absolutely. Thank you, Judge.

15 THE COURT: You also had an issue but apparently
16 you're still working it out about these test results from this
17 expert. Correct?

18 MR. SLATER: Yes. That's true.

19 MR. TRISCHLER: Correct.

20 THE COURT: So we don't need to discuss that until
21 maybe next month?

22 MR. SLATER: Right. I don't think there's anything
23 to discuss any further today from the plaintiffs' perspective.

24 THE COURT: Okay. Any other issues that anybody
25 wants to raise today?

1 (No response.)

2 THE COURT: No? All right then.

3 Thank you, everybody. And we'll talk to you -- I'll
4 talk to you next month, the end of next month, if not sooner.

5 Okay? Thanks.

6 RESPONSE: Thank you, Your Honor.

7 (Proceedings concluded at 10:45 a.m.)

8 - - -

9 I certify that the foregoing is a correct transcript
10 from the record of proceedings in the above-entitled matter.

11
12 /S/ Ann Marie Mitchell, CCR, CRR, RDR, RMR
13 Court Reporter/Transcriber

14 31st day of March, 2022
15 Date

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